

APPLICATION BY THE BANKRUPTCY COURT OF THE "RULES OF PRACTICE AND PROCEDURE" OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

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| 1.01 | Adoption, Scope & Construction | Will not be applied. |
| 1.02 | Business, Conduct and Operation | Only (b) and (c) are applicable. |
| 1.03 | Attorneys | (a) and (d)-(h) are applicable; (b) and (c) will not be applied. <u>See</u> Local Bankruptcy Rule 2.06. |
| 1.04 | Legal Assistance by Law Students. | Applicable. |
| 1.05 | Contempt | (a), (b) & (d) are applicable; (c) is applicable only to the extent of adjudication of civil contempt and any criminal contempt found must be on written findings of fact and conclusions of law to District Court. |
| 1.06 | Photographing and Broadcasting | Applicable. |
| 1.07 | Approval of Bonds by the Clerk | Applicable, except that it is the Clerk of the Bankruptcy Court who approves bonds in bankruptcy cases. The Bankruptcy Clerk does not have the authority to approve Trustee surety bonds. |
| 1.08 | Removal of Cases from State Court | Will not be applied.
<u>See</u> Local Bankruptcy Rule 9.10. |

1.09	Payment of Costs and Security for Costs in Actions by Indigent Persons	Applicable, except for filing bankruptcy petitions.
1.10	Filing of Papers	Not applicable. <u>See</u> Local Bankruptcy Rule 2.04.
1.11	Complaints Filed Pursuant to the Social Security Act.	Not applicable.
1.12	Land Condemnation Actions: Manner of Filing, Docketing, Recording and Reporting Same	Not applicable.
1.13	Removal of Papers from Custody of Clerk	Will not be applied. <u>See</u> Local Bankruptcy Rule 2.13
1.14	Court Library	Applicable.
1.15	Judgment or Orders for Court's Signature	Applicable only to Part VII of the Bankruptcy Rules
1.16	Dismissal of Actions	Applicable to motions and adversary proceedings
2.01	Time Frame Orders; Exemptions	Will not be applied. <u>See</u> Local Bankruptcy Rule 9.07.
2.02	Joinder of Amendments	Not applicable.
2.03	Motions and Responses in Civil Actions	Applicable to motions to dismiss and motions for summary judgment in adversary proceedings.
2.04	Discovery	Applicable in contested matters and adversary proceedings.
2.05	Videotape Depositions	Applicable

2.06	Pretrial Conferences	Not applicable.
2.07	Pretrial Orders	Not applicable except where ordered by Bankruptcy Court.
2.08	Proposed Charges to Jury	Applicable only if jury trial.
2.09	Suggested Findings of Fact and Conclusions of Law	Not applicable except where ordered by Bankruptcy Court.
2.10	Final Settlement Conference	Not applicable except where ordered by Bankruptcy Court.
2.11	Failure to Appear or Negotiate	Will be applied.
3.01	Trial Juries	Applicable only if jury trial.
3.02	Contacts with Jurors	Applicable only if jury trial.
3.03	Opening Statements in Civil Actions	Applicable only if jury trial.
3.04	Arguments to Jury	Applicable only if jury trial.
3.05	Fees and Costs	Applicable.
3.06	Clerk's Custody and Disposition of Exhibits	Applicable.